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Federal Communications Commission
Washington, D.C. 20554

December 8, 1994

92-77

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FEDERAL COMMUNICATIONS COMMISSION
DEPARTMENT OF JUSTICE

The Honorable Bart Stupak
U.S. House of Representatives
317 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Stupak:

Thank you for your letter on behalf of Mr. Robert Sullivan, Jail Administrator, Benzie County, Michigan, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice sought comment on this analysis and asked interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invited parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost. Reply comments were due September 14, 1994. Presently, the Commission is evaluating the comments submitted and considering the implementation of BPP along with other options.

The Further Notice also explicitly sought comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice sought additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also sought comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

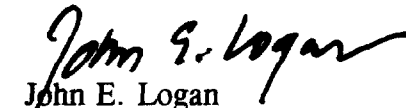
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The Honorable Bart Stupak
Page 2

Thank you for your interest in this proceeding. Pursuant to your request, Mr. Sullivan's letter has been included in the permanent record. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John E. Logan". The signature is fluid and cursive, with a long horizontal stroke at the end.

John E. Logan
Deputy Director

Office of Legislative and Inter-governmental Affairs

Enclosures

BART STUPAK
1ST DISTRICT, MICHIGAN

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House of Representatives
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AND AGRICULTURE

September 22, 1994

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, Northwest
Washington, D.C. 20554


Dear Chairman Hundt:

Enclosed please find correspondence I recently received from Mr. Robert Sullivan, the Jail Administrator in Benzie County, Michigan, which I represent.

Mr. Sullivan is concerned about changes the FCC is contemplating regarding Billed Party Preference. I would ask that his comments be made part of the permanent record.

Thank you for your assistance in regard to this matter. Please do not hesitate to contact me if I or members of my staff may be of service.

Sincerely,


BART STUPAK
Member of Congress

BTS\ahb

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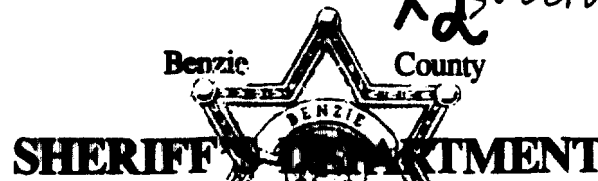
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Sheriff
Paul Stiles



Undersheriff
Robert A. Blank

Box 116, Benzie, MI 49617
Phone: 616-882-4484
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58859
9715 AHB

August 23, 1994

Representative Bart Stupak
1st District
317 Cannon House Office Building
Washington, DC 20510

RE: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Representative Stupak:

This correctional facility is opposed to the application of Billed Party Preference (BPP) at inmate facilities.

We opened our current facility two years ago and our security and administrative needs were analyzed prior to construction or implementing any equipment or procedures. Our citizens voted millage dollars to fund this facility and as a covenant of that trust we are obligated to provide the security they expect.

Through analysis it was determined that to provide the security required it was necessary to contract with a single carrier, therefore creating a bond of trust. A carrier in whom we can explain our needs and one that will realize our requirements. We cannot allow prisoners to have open access to the telecommunication network through networks that have no obligation to us nor training in dealing with inmate calls. BPP will take away our right to coordinate prison calls, fragment control over inmate telecommunication capabilities and limit our control over security.

Our facility has incorporated state of the art security controls, including phone equipment specifically designed for inmate calls. Security measures have been implemented to control the potential for abusive phone calls, and other criminal activity through the use of the telephone network. This equipment and additional inmate programs are funded through the revenues of the inmate phone service.

If BPP is implemented it will have severe repercussions. It will eliminate the revenue received for paying for the inmate phone system. The lack of revenue received from the inmate phone system will also eliminate additional inmate programs it now supports. The restrictions on the use of phones that will need to be implemented will have a direct impact on inmate morale. The use of phones, tv's and various other "perks" are also disciplinary tools,

which if removed will greatly impact morale, control, and relations among inmates.

If the reason behind the BPP is to limit abusive rates charged to the inmates families, we feel it would be better addressed by adopting a rate ceiling on inmate call charges and for the various correctional facilities to implement these ceilings in their contracts with their chosen inmate phone carrier. This will allow for the security measures we need to implement, assist the inmate by not increasing limits on phone usage and limit the financial constraint placed on their families.

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility, ultimately reducing inmate phone availability, which in turn decreases the efficiency of our staff. Please do not adopt regulations that interfere with our administrative and security decisions--decisions that are clearly within our discretion and which we have a public responsibility to make.

Respectfully,

A handwritten signature in cursive script, reading "Robert Sullivan".

Robert Sullivan, Jail Administrator
Benzie County Sheriff's Department
505 South Michigan Avenue
Beulah, MI 49617

BART STUPAK
1ST DISTRICT, MICHIGAN

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AND AGRICULTURE

September 22, 1994

Mr. Robert Sullivan
Jail Administrator
Benzie County Sheriffs Department
505 South Michigan Avenue
Beulah, MI 49617

Dear Mr. Sullivan:

Thank you for contacting me regarding the Federal Communication Commission's (FCC) proposal to institute Billed Party Preference on collect phone calls. I appreciated hearing from you.

As a former law enforcement official, I certainly understand your concerns regarding this proposal. While, as it applies to the general public, I can understand customers wanting to ensure the best rate for calls they place, I understand that to move forward with this proposal may cause problems for law enforcement officials who monitor inmate and suspect phone calls.

I have taken the liberty of forwarding your concerns to Mr. Reed Hundt, Chairman of the FCC. The FCC is currently soliciting comments on this proposal and I have been assured that your letter will be made part of the permanent record. Furthermore, the FCC has suggested that they do not anticipate any action on this proposal in 1994. While the FCC will not need legislation passed to enact Billed Party Preference, please be assured that I will continue to monitor the rulemaking process and keep you informed.

Again, thank you for sharing your comments. Please do not hesitate to contact me if I or members of my staff may be of service.

Sincerely,



BART STUPAK
Member of Congress

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